

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
October 8, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., October 8, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2. Also present: Norma Risch, Deputy Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Bill Scalzo, Chief Community Services Officer, delivered the invocation.

PLEDGE OF ALLEGIANCE

Christian Stumpf, Government Relations, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Julie Banks introduced Sweet Pea a shy "Pet of the Month" from Maricopa County Animal Care & Control. October is adopt a shelter dog month and citizens are encouraged to come to either animal shelter to adopt a pet.

POINT OF ORDER

Supervisors Kunasek and Wilcox said that one of the original copies of the Declaration of Independence is in town and on display at the state capital. They encouraged everyone to take their families to see it, saying that it had been an "unexpectedly moving experience" for them.

BID OPENING – 7TH STREET NORTH IMPROVEMENT DISTRICT PROJECT

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to refer the bids on the 7th Street North Improvement District Project to Richard Wallace, Superintendent of Streets, for review and for award to the lowest and best responsible bidder. The first bid was from J. Binicki Construction Inc. for \$173,254; a bid was also received from Nesbitt Contracting Company Inc. for \$166,689. (C64040857)

30-YEAR SERVICE AWARDS

Chairman Brock presented service award plaques to the following employees, who have provided 30 or more years of public service to Maricopa County. He was assisted by the various department directors for each employee. (C35040040)

- Glenn A. Beeman, Public Health, 30 years since July 1, 1973
- James M. Robson, Assessor's Office, 30 years since July 15, 1973
- Gary F. Polega, Facilities Management, 30 years since July 16, 1973
- Mary E. O'Hara, Clerk of Superior Court, 30 years since July 23, 1973
- Joanne Hester, Adult Probation, 30 years since August 20, 1973
- Donald R. Harris, Transportation, 30 years since August 26, 1973
- Patricia A. Thompson, Sheriff's Office, 30 years since August 28, 1973
- Barbara J. Frerichs, Recorder's Office, 30 years since September 20, 1973

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- William H. Kennedy, Assessor's Office, 30 years since September 24, 1973
- George L. Samora, Transportation, 35 years since September 21, 1968

CODE ENFORCEMENT REVIEW - MICHAEL L. THEISEN

Chairman Brock called for oral argument in the code enforcement review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-00881, Michael L. Theisen, represented by Kent M. Nicholas, Attorney. (This case continued from meetings of June 18 and July 2, 2003.) (ADM3417-17)

Joy Rich, Chief Regional Development Services Officer, reminded the Board that this continued case concerned the applicant, Michael L. Theisen, who had several hundred birds caged on his property. She said that noise complaints had been received, which resulted in an inspection of the premises, as had been discussed at the last Board meeting. She reported that at that time Mr. Theisen had indicated he was in the process of selling his stock. In the interim Mr. Theisen had filed a suit in Superior Court and she asked that the matter be continued indefinitely to allow for the resolution of that court case.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to continue this case indefinitely.

CODE ENFORCEMENT REVIEW – ROBERT AND CYNTHIA MCPETERS

Chairman Brock called for oral argument in the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. 2001-00868, Robert and Cynthia McPeters. (ADM3417-21)

Joy Rich, Chief Regional Development Services Officer, said that this case involves the running of a landscaping business from a residentially zoned property and had originated in December 2001. The ultimate resolution may include a rezoning of the property and the owner has only recently applied for rezoning. She asked that this matter be continued to November 5, 2003, to assure that the rezoning application continues to move forward in a timely manner.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue this case to November 5, 2003.

PUBLIC HEARING - LIQUOR LICENSE APPLICATION

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications b) and c) and to continue application d):

- a) Application filed by Margie Rae Grimh-Goffin for an Original, Series 8 Liquor License: (This case continued from the meeting of September 24, 2003.) (LL6096)

WITHDRAWN

Business Name: The Dolly Steamboat
Location: Canyon Lake, Mile Marker 211, Apache Junction

Planning and Development recommends denial of this application. See attachment for clarification. **THIS ITEM WAS WITHDRAWN BY THE APPLICANT.**

- b) Application filed by Donald Eugene Waggoner for an Original, Series 10 Liquor License: (LL6101)

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Business Name: Quick One Food Stop
Location: 9949 Apache Trail, Mesa

- c) Application filed by George F. Melton for a Special Event Liquor License: (F23105)

Organization: Fountain of Life Lutheran Church
Location: 15630 Del Webb Blvd., Sun City
Date/Time: Sunday, October 26, 2003; 3:00 p.m. – 7:00 p.m.

- d) Application filed by Kimberly Meagher for a Special Event Liquor License: (F23105)
CONTINUED TO NOVEMBER 5, 2003.

Organization: Wildhorse Ranch Rescue
Location: 11811 South Lindsay Road, Gilbert
Date/Time: Saturday, November 15, 2003; 10:00 a.m. – 4:00 p.m.

Motion carried by majority vote (3-1-1) with Supervisors Kunasek, Wilson and Wilcox voting “aye” and Supervisor Brock voting “no.”

PUBLIC HEARING - SUPERIOR COURTS – CASE MANAGEMENT FEE – CONTINUED

Item: Chairman Brock called for a public hearing to solicit comments regarding an amendment to the current Case Management Fee to include an additional \$100 fee, to be assessed upon each party in any civil, pre-decree family, probate and tax case on the 26th combined filing, and on every subsequent 25th combined filing (the 51st, 76th, 101st, et seq.); and, authorize but do not require immediate imposition and collection of this fee in post-decree Family Court matters. The parties on whom the fee will be assessed shall be as defined in a Superior Court Administrative Order and any succeeding orders. Except in post-decree Family Court matters, the fee will be assessed and collected in cases filed on November 1, 2003 and thereafter. Assessment and collection of this fee in post-decree Family Court matters will be deferred until the Court implements necessary changes to the iCIS system. Authority for this request is based on ARS §11-251.08 and State of Arizona Attorney General Opinion 195-18 (R94-63). This fee does not exceed the actual cost of the service and will be deposited by the Clerk of the Court in the Superior Court Special Revenue Fund (Fund 259) for disbursement on approval of the Presiding Judge with expenditures subject to appropriation by the Board of Supervisors. (C38040068) (ADM1005)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to continue this item to the October 22, 2003, meeting.

PUBLIC HEARING – TRANSPORTATION – MAPLEWOOD STREET IMPROVEMENT DISTRICT

The Chairman called for a public hearing to hear the petition to organize the Maplewood Street Improvement District. Petitions with the requisite number of signatures have been presented requesting the formation of an improvement district for paving of Maplewood Street. (C64040657) (ADM4302)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the organization of the Maplewood Street Improvement District.

ROAD DECLARED (ROAD FILE NO. A233-R)

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No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C6403052501)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 10th day of September 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 60 foot roadway, together with all appurtenances and easements of record, lying within the Southeast quarter (SE4) of Section Thirty-two (32), in Township Two (2) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The East 30 feet of the North half of the Southwest quarter of the Southeast quarter (N2SW4SE4) of said Section 32; and,

The West 30 feet of the North half of the Southeast quarter of the Southeast quarter (N2SE4SE4) of said Section 32.

EXCEPT, any portion thereof lying within Southeast quarter of the Northeast quarter of the Southwest quarter of the Southeast quarter (SE¼NE¼SW¼SE¼) as described in two (2) parcels in Records No. 90-105249, Maricopa County Records.

(Said alignment is also known as 82nd Street, from Southwest corner of the N2SE4SE4 (End of Maintenance) North to Palm Lane, lying in Supervisor District No. 2)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way

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of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 8th day of October 2003.

GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve receipt of grant funds from the Arizona Criminal Justice Commission (ACJC) for the FY 2003-2004 Gang Prosecution Program in the amount of \$302,083. These grant funds are provided to enhance efforts to prosecute gang offenders. This grant agreement, ACJC number GP-04-092, will commence on July 1, 2003, and will terminate on June 30, 2004. The grant funds may not be expended for any indirect costs, which may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. The funding for this grant is included in the FY 2003-2004 budget. By approving this agenda item, the Board will be authorizing the reduction of grant funding. There will be a budget amendment for the County Attorney grant budget (219). This amendment will decrease the County Attorney's revenue and expenditure levels for FY 2003-2004 by \$198,722. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C19040143)

FILING OF PETITION FOR REVIEW TO THE ARIZONA SUPREME COURT IN CITIZENS TELECOMMUNICATIONS CO., US WEST, et. al. v. ARIZONA DEPARTMENT OF REVENUE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the filing of a Petition for Review to the Arizona Supreme Court in Citizens Telecommunications Co., US West, et. al. v. Arizona Department of Revenue, Maricopa County, et. al., TX 1998-000716 (consolidated). (Discussed in Executive Session on September 22, 2003.) (C1904015M) (ADM413-001)

APPROPRIATION TRANSFER

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an Appropriation Transfer per ARS 42-17106 B., of \$50,000 from FY 2003-04 Detention Appropriated Fund Balance Contingency to a new expenditure line in FY 2003-04 Appropriated Fund Balance Other Detention Fund Programs called, "Durango Jail: Temporary Bunk Beds," to fund the purchase of 260 temporary, re-usable, moveable, stackable, plastic bunks to be utilized in the Durango Jail. These bunks are needed immediately to address the severe shortage of bunks due to overcrowding in the Durango Jail. (C50040288) (ADM3900-003)

COST REIMBURSEMENT AGREEMENT WITH FEDERAL BUREAU OF INVESTIGATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the cost reimbursement agreement between the Maricopa Sheriff's Office and the Federal Bureau of Investigations, whereby the Sheriff's Office will receive reimbursement of up to \$10,720 for overtime worked by the deputy assigned to the "Desert Hawk Violent Crime Task Force" (DHVTF) for the

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period beginning October 1, 2003, and ending September 30, 2004. An estimated amount for this agreement was included in the FY 2003-2004 Sheriff's Office adopted budget. (C50045102)

TRANSFER EXPENDITURE AUTHORITY

Per ARS §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to transfer expenditure authority from FY 2003-2004 contingency funds in the amount of \$43,783 (annualized impact is \$22,277) from General Government (470) Detention Fund (Fund 255) Reserved Contingency/New Facility Operating Costs to the Juvenile Probation (270) Detention Fund (Fund 255). Approval of this action will allow the Department to purchase equipment and supplies in order to open and operate the new Southeast Facility, scheduled to open October of 2003. (C27040098) (ADM1400)

COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC IMPROVEMENT PROJECT APPLICATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Community Development Block Grant Public Improvement Project applications to entitlement cities and the Maricopa County Community Development Agency for funds to support equipment for the Human Services Campus in downtown Phoenix. Individual applications will be submitted to, at least, Chandler, Gilbert, Glendale, Mesa, Phoenix, Scottsdale, Tempe and Maricopa County for a combined amount not-to-exceed \$2.3 million. (C20040043) (ADM2519)

PERSONNEL AGENDA

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. (List on file in the Clerk of the Board's Office.)

MARKET ADJUSTMENTS FOR AND ADMINISTRATIVE TRANSFER OF PARK POLICE OFFICE DIVISION - CONTINUED

Item: Approve the following actions regarding the Parks & Recreation Department Park Police Division:

- a) Market adjustments for Park Police Officers totaling \$172,914 in all funds annualized to be effective September 29, 2003; (ADM3308)
- b) The administrative transfer of the Parks & Recreation Department Park Police division from the Parks & Recreation Department to the Maricopa County Sheriff's Office as the Mountain Park Patrol, including the transfer of 17 FTE positions (11 FTE funded by the General Fund, 3 FTE funded by the Lake Fund and 3 FTE funded by the Spur Cross Fund), related vehicles, radios, computer equipment and weapons as outlined in the interdepartmental agreement (Attachment A); (ADM39-001)
- c) In accordance with ARS §42-17106B, approve expenditure appropriation transfers from the FY 2003-2004 Parks & Recreation Department to the Sheriff's office (Agency 500) General Fund expenditure budget in the amount of \$415,422, including \$245,189 in interdepartmental personal fund credits for positions funded by Lake Fund (240) and Spur Cross Fund (225) as detailed in Attachment B, effective September 29, 2003; (ADM3200) (ADM3900)
- d) In accordance with ARS §42-17106B, approve expenditure appropriation transfer from the FY 2003-04 General Government (470) General Fund (Fund 100)

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Contingency (4711) to the Sheriff's Office (500) General Fund (Fund 100) budget in the amount of \$120,880 as detailed in Attachment B, to implement the market adjustments outlined in A above.

The requested action will result in a consolidation of law enforcement services within the county. The FY 2004-2005 Parks & Recreation Department budget target and the FY 2004-2005 Sheriff's Office budget target will be restated/right-sized for the full-year impact of the FY 2003-2004 funds being transferred (General Fund, Spur Cross Fund and Lake Pleasant Fund). (This item continued from the meeting of September 24, 2003.) (C30040028) (ADM3200-003) (ADM3246) (ADM3900)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to continue this matter to the November 5, 2003, meeting.

TOWN OF CAVE CREEK AFFILIATION

Item: Approve a Maricopa County and Town of Cave Creek affiliation so that the Town of Cave Creek may submit an application for 1,480 acres to the Arizona State Land Department to have land adjacent to Spur Cross Ranch Conservation Area and Cave Creek Recreation Area reclassified as "trust land suitable for conservation purposes," under the Arizona Preserve Initiative Act (API). (C3004004M)

Supervisor Kunasek encouraged approval on this item, saying that both he and Supervisor Stapley had met with Cave Creek officials and County Parks professionals and were appreciative of the preservation benefits that would be derived from the reclassification of this land and the building of an "open space bridge" between the two above mentioned recreation areas.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a Maricopa County and Town of Cave Creek affiliation on reclassified land adjacent to the Spur Cross Ranch Conservation Area and Cave Creek Recreation Area.

FUND TRANSFERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

TERMINATION OF LEASE WITH ATC PHOENIX (AMERICAN TRANSIT CORPORATION)

Approve early termination of a lease with ATC Phoenix (American Transit Corporation) for 18,525 square feet of space in Suites 501, 507, 522, 530 and 550 in the county-owned Security Center Building and authorize a refund of their security/key deposit of \$6,393 for vacating their space without damage. (C18040124YY) (ADM811-002)

**CERTIFY MARICOPA COUNTY TRIAL COURTS (SUPERIOR COURT/JUSTICE COURTS)
QUARTERLY COLLECTION FOR FIRST QUARTER OF FY 2003-2004 AND RE-CERTIFY
QUARTERLY BASELINE COLLECTIONS FOR FY 2002-2003**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to certify Maricopa County Trial Courts (Superior Court/Justice Courts) quarterly collection for the first quarter of FY 2003-2004 of \$12,256,979.64 and authorize a remittance of \$897,015.76 from the County to the State of Arizona, as required by ARS §12-116.04. This remittance represents 75% of the amount collected in excess of the first quarter collections (the "baseline") of FY 2002-03. Submission of this certification and remittance of the funds to the State Treasurer is due on or before October 15, 2003. Also, re-certify Maricopa County Trial Courts (Superior Court/Justice Courts) quarterly baseline collections for FY 2002-2003 and authorize re-submission of said certification to the Arizona State Treasurer, as required by ARS §12-116.04. The original submission of this certification to the State Treasurer was completed in compliance with ARS §12-116.04 before September 1, 2003. The amounts need to be re-certified due to an administrative adjustment. Based upon actual collections, the following amounts have been determined to be the baseline court collections for each quarter of FY 2002-2003 for the Maricopa County Trial Courts. (C18040137) (ADM1011)

- Quarter 1: \$10,873,348.43
- Quarter 2: \$10,490,781.42
- Quarter 3: \$11,248,479.50
- Quarter 4: \$13,170,687.72
- FY Total: \$45,783,297.07

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox and seconded by Supervisor Wilson to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials:

**03044-S
CONTINUED**

MITIGATION SERVICES SPECIALIST(S)

(350,000 est/two (2) years w/four one year renewal options) (This item continued from the meeting of September 24, 2003.)

Award of a two (2) year contract for Mitigation Services Specialist(s) who will investigate, evaluate and present psychosocial and other mitigation evidence for indigent representation.

- Alan L. Ellis
- Christine Lawrence
- Connie A. Curtin
- David K. Wilcox
- Kerri Logan
- Marla V. Ruiz
- Michelle McCloskey
- Nora Shaw Investigations
- Randall Walker
- Tyrone Mayberry

Prior to the vote, Supervisor Wilcox asked David Smith if the reported conflict on the service contracts for the above mitigators had been resolved. Mr. Smith replied that he had asked for a review of the matter from the Office of Contract Administration and had received a detailed explanation of the concerns expressed by potential contractors. He explained that the matter involves the complexity of the process of

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mitigation specialist work, which is partly controlled by the trial judge and partly by contract administration. He said that the County had provided "forthright information" about timing and how the process works to the mitigators. The Board will be kept informed about the working relationship with those on the expanded list, which became necessary because of the increasing number of capital cases seen in the criminal justice system. He indicated that this is a very sensitive subject in new territory and people are still "finding their way in the relationship-building portion of the whole."

Mitigation Specialist Alan Ellis said that relationship building is what the contractors are seeking but he had seen no evidence of that from Mark Kennedy, Office of Contract Administration. He asked the Supervisors to ensure that formal meetings are set-up for the mitigators to meet with Mr. Kennedy to address their issues. He reported that the contracting mitigators had not received a copy of any report "nor has any of the ten of us had any contact with Mr. Kennedy." He indicated that many in the group had phoned, emailed and written Mr. Kennedy, "and had simply received no response or acknowledgement." He indicated that prompt payment for their services is one of the main concerns as reimbursement has taken up to three months.

Supervisor Wilcox remarked that she had specifically requested two weeks ago that County officials meet with these contract mitigators and since that had not happened she would reconsider and amend her motion on this specific solicitation serial only (03044-S) and ask that it be continued to the October 22nd Board meeting so these discussions can be held. Mr. Wilson concurred and seconded her amended motion to continue 03044-S (only), with approval for all other items listed under the Solicitation Serials. Motion carried unanimously (4-0-1).

- 03105-C TRUCK AND VAN RENTAL SERVICES FOR ELECTIONS** (\$195,000 est/three (3) years, with one three-year renewal option)
Award pricing agreement to allow the Elections Department to rent trucks and/or vans for use as necessary when County vehicles are not available.
- Budget Rent-A-Car System, Inc.

Sole Source:

- a) A sole source procurement to Arizona School Furnishings for delivery and installation of library shelving of the welded frame bracket type manufactured by Lift Display, Inc. This shelving will provide for the display of CD/DVD/VHS and Books to be used in each Library within the District. Construction of this shelving is such that all shelves of a fixture section may be removed as a modular unit from any range without in any way disturbing the adjacent units. In addition, relocation and reuse of removed section(s) can be accomplished without acquisition of additional parts. The design and manufacturing of this shelving is proprietary to the manufacturer and distributed only through authorized dealers. The procurement request will not exceed the Library District's current budgetary authorization and future upgrades will be subject to budgetary approvals. This sole source request has been advertised in accordance with the County's sole source procurement procedures. (C73041051)
- Arizona School Furnishings
- b) Award of a sole source purchase to Hummingbird USA Inc for purchase, maintenance and upgrades to Flood Controls' document locator system. This software was initially purchased from this company through the competitive bidding process and County is not aware of any alternative providers of this product. The total value of this procurement is \$50,000 and future upgrades will be subject to budgetary approvals. (C73041061)

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- Hummingbird USA, Inc.

Adding Vendor:

- 03063-C HELICOPTER/AIRCRAFT PARTS, ACCESSORIES & REPAIR SERVICE**
(\$300,000 est/three (3) years with one 3-year renewal option)
Subsequent award for Helicopter/Aircraft Parts, Accessories, as requested by Sheriff's Department. AeroMaritime American was inadvertently omitted from the September 10, 2003, board agenda.
- AeroMaritime American, Inc.

CAPA Training:

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Parks & Recreation

Jessica Nelson
Jon Chestnutwood
Allen Oleufers
Joe Ballengee
David Carrillo
Andrew Fish

Stadium District

Carol Songer

SETTLEMENT OF McGEE v. MARICOPA COUNTY

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the settlement of McGee v. Maricopa County, CV02-004624 for \$500,000. (Discussed in Executive Session on October 6, 2003.) (C75040031) (ADM409)

AGREEMENTS WITH ORGANIZATIONS TO RESCUE ANIMALS ELIGIBLE FOR THE NEW HOPE PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following agreements to organizations to rescue animals eligible for the New Hope Program. The loss of revenue of \$500 (each agreement) is based on the license fee that would be generated through the New Hope program without the agreements. The terms of the agreements are from October 8, 2003, through October 7, 2006.

- a) AZ English Springer Rescue America, Inc., a 501 (c) 3 non-profit corporation, 104 North 130th Court, Chandler, AZ 85225. (C79040271)
- b) Gail Greeley, dba Cactus State Miniature Schnauzer Rescue, 2173 West Enfield Way, Chandler, AZ 85248. (C79040291)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF LITCHFIELD PARK

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to retroactively approve an intergovernmental agreement (IGA) between the City of Litchfield Park and

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Maricopa County Animal Care & Control (AC&C). The contract is to provide the City of Litchfield Park with animal control field services as determined in the contract. AC&C estimates annual revenue of \$3,000 with this IGA. The term of the contract is from July 1, 2003, through June 30, 2006. AC&C has provided enforcement of animal control services since July 1, 2003, in anticipation of approval by the Board. (C79040282)

MEMORANDUM OF UNDERSTANDING WITH MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a financial Memorandum of Understanding between the Human Services Department and the Maricopa County Community College District, both political subdivisions of the State of Arizona, to jointly finance the completion of a Labor Market Survey for Maricopa County. The MOU will be effective from the date of execution until delivery of the final work product, which is anticipated to be completed within four months from the final execution of the agreement with ERISS Corporation. Expenditure impact for FY 2004 is \$68,968. (C22041032)

APPROPRIATION ADJUSTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following appropriation adjustments: (C22041048) (ADM2500-003)

- a) Pursuant to ARS §42-17106(B), transfer expenditure appropriation in the amount of \$215,931 from the Human Services Department (Department 220/Fund 100) to General Government General Fund Contingency (Department 470/Fund 100). The net impact of this appropriation adjustment is \$0. This adjustment reflects that the Human Services Department will be able to recover the cost of Department Administrators from additional grant indirect cost reimbursements and reduces their General Fund appropriation commensurately.
- b) An appropriation adjustment to the Finance Department (Department 180/Fund 100), to increase revenues by \$358,254 due to additional Central Services Cost Reimbursement from the Human Services Department. Also approve an expenditure appropriation adjustment in the amount of \$358,254 to General Government, General Fund General Contingency (Department 470/Fund 100). This adjustment does not alter the duly adopted budget for purposes of A.R.S. 42-17105, but rather, reflects internal structural adjustments necessitated by revenue increases to the County's Central Service Cost Allocation. These actions will be offset with corresponding adjustments to the Eliminations Fund (Department 980/Fund 900) for a Countywide net impact of zero.

MONTH-TO-MONTH PARKING LEASES WITH VARIOUS VENDORS NEAR THE SECURITY BANK BUILDING

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize the Human Services Department, with the assistance of the Finance Real Estate Section, to negotiate and enter into month-to-month parking leases with various vendors near the county owned Security Bank Building to provide parking for current and future department employees. The proposed agreements will fix the rental rates for a mutually acceptable term. Also authorize the Human Services Department to expend funds, not-to-exceed \$75,000 during FY 2004, and \$100,000 per year in FY 2005,

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FY 2006, and FY 2007 in payment for the spaces so leased. These month-to-month leases will require vendors to provide a minimum number of parking spaces at fixed rates per space and will allow the number of parking spaces to fluctuate from month-to-month, as needed. The exact terms may vary according to the needs of the various vendors. Vendors will be paid through purchase orders issued by the Materials Management Department. (C2204105M) ADM2500)

AMENDMENT TO CONTRACT WITH MEDICAL PROFESSIONAL ASSOCIATES OF ARIZONA, P.C. (MedPro)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 3 to contract with Medical Professional Associates of Arizona, P.C., ("MedPro") for the provision of professional medical services to the Maricopa County Department of Public Health (MCDPH) and its clientele. The amendment updates the contract work statement and compensation sections and provides not-to-exceed \$294,505 in funding for the contract term October 1, 2003, through September 30, 2004. (C8602084103)

AMENDMENT TO CONTRACT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 2 to contract with the Arizona Board of Regents, for and on behalf of Arizona State University (ASU) and ASU's Community Health Services to provide Well Women Health Check services to uninsured or underinsured women. The amendment increases the contract dollar amount by \$11,292. Total funding for the contract term ending September 30, 2003, will increase from \$51,440 to \$62,732. All other terms and conditions remain unchanged. (C8603074102)

AMENDMENT TO CONTRACT WITH AREA AGENCY ON AGING, REGION ONE, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 2 to contract with the Area Agency on Aging, Region One, Inc., for the provision of HIV case management services. The amendment decreases the contract dollar amount by \$8,800, and replaces the budget narrative and fee schedule, effective upon Board approval. Total funding for the period ending February 29, 2004, will decrease from \$829,800 to \$821,000. (C8603706102)

GRANT FUNDING FROM U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS FOR DISEASE CONTROL AND PREVENTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve and accept any and all grant funding from the U.S. Department of Health and Human Services Centers for Disease Control and Prevention (CDC), to provide viral hepatitis education and training. The grant award will be not-to-exceed \$130,000 per year for one year, term date of October 1, 2003 – September 30, 2004, and renewable for up to four additional years. MCDPH's indirect rate is 13.7%. Indirect costs are fully recoverable, and estimated at \$15,664. By approving this agenda item, the Board will be authorizing the Chairman to sign all applications, contracts and subsequent administrative amendments related to this grant. Approve, upon award of the grant funds, an appropriation adjustment to Public Health Department Grant Fund (Department 860 /Fund 532) of revenues and expenditures in the amount of the funds awarded by the Department of Health and Human Service, not-to-exceed \$130,000. The appropriations adjustment is necessary because these funds were not included in the FY 2004 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment

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does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C86040562)

INTERGOVERNMENTAL AGREEMENTS FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following Intergovernmental Agreements with various school districts to provide school-based tobacco use prevention and education services. The terms of the contracts are from Board approval to June 30, 2004.

- a) Glendale Elementary School District for a contract dollar amount not-to-exceed \$4,000. (C86043282)
- b) Washington School District for a contract dollar amount not-to-exceed \$48,000. (C86043292)
- c) Balsz School District for a contract dollar amount not-to-exceed \$8,000. (C86043332)

CONTRACT WITH MOUNTAIN PARK HEALTH CENTER

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a contract with Mountain Park Health Center to provide tobacco use prevention and education services to the Hispanic/Latino community within Maricopa County. The term of the agreement is from October 1, 2003, to June 30, 2004, for a contract dollar amount not-to-exceed \$70,000. (C86043641)

CHANGE ORDER TO CONTRACT WITH SMITH WOODS CONTRACTING

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Change Order No. 9 to Contract JE01-07 with Smith Woods Contracting in the amount of \$95,157. This contract is for the construction of the Southeast Juvenile Detention Facility. This change order incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. On May 16, 2001, the Board approved the award of a general construction contract to construct the Southeast Juvenile Detention Facility. The contract was awarded for \$13,710,000, and this change order exceeds the Capital Facilities Development Department Director's 5% change order authorization approved by the Board on June 10, 2002. (C4001025103)

CONTRACT WITH ARRINGTON WATKINS ARCHITECTS, LLC

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a professional service contract with Arrington Watkins Architects, LLC to provide "as needed" architectural services for a two-year period from date of Board approval. If work is underway under the terms of the contract at the time of the expiration date, the contract expiration date shall be extended to the date for completion of services underway. The consultant will provide planning, programming, estimating, design, and construction administration services for various county projects. Consultant fees for this two year period shall be \$250,000, or less, and are paid by the County's, Capital Improvement Program Fund, Major Maintenance fund, or by budgeted department funds. (C70040205)

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**CALL FOR BIDS AND AWARD – INSTALLATION OF AN EMERGENCY GENERATOR AT THE
DEPARTMENT OF TRANSPORTATION ADMINISTRATION BUILDING**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsive bidder provided that the bid is not more than 10% over the engineer's estimate for "Installation of an Emergency Generator at the Department of Transportation Administration Building", Building No. 1401, Project No. 2002327816, located at 2901 West Durango Street, Phoenix. The project is funded in the FY 2003-2004 McDOT Building Improvements, Fund 232, Agency 640, Organization 6409, Object Code 0915.01, Function Class SSSR. (C70040225)

EASEMENTS, RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

- | | |
|------------------|---|
| A082.006
(AC) | Project No: 69010 - Dixileta Drive (171st Avenue - 163rd Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 503-51-197B - Cotton Lane Group Six Partnership, an Arizona General Partnership - for the sum of \$24,684.00. |
| A082.006
(AC) | Project No: 69010 - Dixileta Drive (171st Avenue - 163rd Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 503-51-197B - Cotton Lane Group Six Partnership, an Arizona General Partnership. |
| A082.007
(AC) | Project No: 69010 - Dixileta Drive (171st Avenue - 163rd Avenue) - Agreement for Right of Entry - Parcel No. 503-51-197A - NAV Investments, Inc., an Arizona Corporation - for the sum of \$500.00. |
| A186.001
(CS) | Project No: 69010 - Williamsfield Road (122nd Street - Signal Butte Road) - Warranty Deed - Parcel No. 304-34-017U, 028, 029A, 029B - Ramses D. Antoun and Nancy A. Groh and John E. Groh, trustees - for the sum of \$62,454.00. |
| A186.001
(CS) | Project No: 69010 - Williamsfield Road (122nd Street - Signal Butte Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-34-017U, 028, 029A, 029B - Ramses D. Antoun and Nancy A. Groh and John E. Groh, trustees. |
| A264.009
(AC) | Project No: 69010 – Eagle Mountain Road (EOM -217th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 400-50-004 - John Price Newman - for the sum of \$4,434.00. |
| A264.009
(AC) | Project No: 69010 – Eagle Mountain Road (EOM -217th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 400-50-004 - John Price Newman. |
| A264.010
(AC) | Project No: 69010 - Eagle Mountain Road (EOM - 217th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 400-51-002F - Richard S. Glen and Sandra S. Glen - for the sum of \$12,050.00. |
| A264.010
(AC) | Project No: 69010 - Eagle Mountain Road (EOM - 217th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 400-51-002F - Richard S. Glen and |

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Sandra S. Glen.

- A267.014 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Warranty Deed - Parcel No. 303-29-014E - John Dell Vance, Jr. and Denise L.A. Vance - for the sum of \$1,300.00.
- A267.014 (AC) Project No: 68949 - McQueen Road (Queen Creek - Pecos Road) - Agreement for Right of Entry - Parcel No. 303-29-014E - John Dell Vance, Jr. and Denise L.A. Vance - for the sum of \$100.00.
- A267.014 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-29-014E - John Dell Vance, Jr. and Denise L.A. Vance.
- A267.018-1 (AC) Project No: 68949 - McQueen Road (Queen Creek - Pecos Road) - Letter Agreement for a Temporary Ingress and Egress Permit - Parcel No. 303-29-031D - Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah Corporation sole - for the sum of \$100.00.
- A267.018-6 (AC) Project No: 68949 - McQueen Road (Queen Creek - Pecos Road) - Aerial Easement - Parcel No. 303-29-031D - Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah Corporation sole - for the sum of \$3,600.00.
- A267.018-6 (AC) Project No: 68949 - McQueen Road (Queen Creek - Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-29-031D - Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah Corporation sole.
- A267.035 (AC) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Letter Agreement for a Temporary Construction Ingress and Egress - Parcel No. 303-28-056 - Thurman and Sharon K. Gilbert - for the sum of \$100.00.
- A275.002 (AC) Project No: 69010 - 15th Avenue (Irvine Road - Desert Hills Drive) - Easement and Agreement for Highway Purposes - Parcel No. 211-50-025F - Brian O'Laughlin - for the sum of \$16,860.00.
- A275.002 (AC) Project No: 69010 - 15th Avenue (Irvine Road - Desert Hills Drive) - Purchase Agreement and Escrow Instructions - Parcel No. 211-50-025F - Brian O'Laughlin.
- A275.003 (AC) Project No: 69010 - 15th Avenue (Irvine Road - Desert Hills Drive) - Easement and Agreement for Highway Purposes - Parcel No. 211-50-025A - Richard D. Gantz and Lee Ann Gantz - for the sum of \$15,960.00.
- A275.003 (AC) Project No: 69010 - 15th Avenue (Irvine Road - Desert Hills Drive) - Purchase Agreement and Escrow Instructions - Parcel No. 211-50-025A - Richard D. Gantz and Lee Ann Gantz.
- A275.006 (AC) Project No: 69010 - 15th Avenue (Irvine Road - Desert Hills Drive) - Easement and Agreement for Highway Purposes - Parcel No. 211-50-023 - Ronald W. Raper - for the sum of \$22,523.00.

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- A275.006
(AC) Project No: 69010 – 15th Avenue (Irvine Road - Desert Hills Drive) - Purchase Agreement and Escrow Instructions - Parcel No. 211-50-023 - Ronald W. Raper.
- A282.006
(CS) Project No: 69010 - PM 10 Tuthill Road (Queen Creek - Pecos) - Easement and Agreement for Highway Purposes - Parcel No. 400-58-018 - Max Taylor and Company, L.L.C. - for the sum of \$9,091.00.
- A282.006
(CS) Project No: 69010 - PM 10 Tuthill Road (Queen Creek - Pecos) - Agreement for Right of Entry - Parcel No. 400-58-018 - Max Taylor and Company, L.L.C. - for the sum of \$500.00.
- A282.006
(CS) Project No: 69010 - PM 10 Tuthill Road (Queen Creek - Pecos) - Purchase Agreement and Escrow Instructions - Parcel No. 400-58-018 - Max Taylor and Company, L.L.C.
- A288.008
(AC) Project No: 69010 - Maddock Road (17th Avenue -11th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 211-51-052G - Charles R. Sykes and Vicki C. Sykes- for the sum of \$15,406.00.
- A288.008
(AC) Project No: 69010 - Maddock Road (17th Avenue -11th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 211-51-052G - Charles R. Sykes and Vicki C. Sykes.
- X-512
(AC) Project No: 68927 - Ellsworth Road (Germann Road - Guadalupe Road) - Warranty Deed - Parcel No. 304-31-013B & 013C - ALILAU L.L.C., an Arizona Limited Liability Company - for the sum of \$90,196.00
- X-512
(AC) Project No: 68927 - Ellsworth Road (Germann Road - Guadalupe Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-31-013B & 013C - ALILAU L.L.C., an Arizona Limited Liability Company.
- N/A
(LJS) Project No: 68931 and 80408 - Alma School Road Bridge Widening (South Channel) and Alma School Road Bridge Grade Control Structure (North Channel) - Application for Right-of-Way - Salt River Pima-Maricopa Indian Community - for the sum of \$470,152.00.
- N/A
(LJS) Project No: 68931 and 80408 - Alma School Road Bridge Widening (South Channel) and Alma School Road Bridge Grade Control Structure (North Channel) - Grant of Easement for Right-of-Way - Salt River Pima-Maricopa Indian Community.
- N/A
(LJS) Project No: 68931 and 80408 - Alma School Road Bridge Widening (South Channel) and Alma School Road Bridge Grade Control Structure (North Channel) - Right of Way Application Mylar Prints - Salt River Pima-Maricopa Indian Community.

TRAFFIC CONTROLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following traffic control: (F23107)

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A FOUR WAY STOP (from a two way east/west Stop) at Queen Creek Road and Sossaman Road. (This partially rescinds the through street resolution on Sossaman Road dated November 4, 1969.) (C64040915)

CRITICAL MARKET SALARY INCREASE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve critical market salary increase (\$12.12 per hour to \$12.33 per hour) for Ruben Trinidad, Equipment Operator II position in Maricopa County Department of Transportation, retroactive to January 20, 2003. Approval of this item will allow McDOT to correct an error in pay that was made when the employee returned from a Special Work Assignment (SWA). Mr. Trinidad was on a SWA during the time all of the Equipment Operators were reclassified. When he returned from his SWA on January 20, 2003, he was brought back to his original rate of pay of \$12.12 rather than the new minimum rate of \$12.33. (C64040765) (ADM3308-001)

CALL FOR BIDS AND AWARD – VARIOUS PROJECTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following solicitation of bids and award of contracts to the lowest responsive responsible bidders, providing the lowest responsive responsible bidders do not exceed the engineer's estimate by more than 10%.

- a) McDOT's Concrete Valley Gutter Project, fall 2003, Work Order No. 30050012. (C64040795)
- b) McDOT's Crack Seal Project, fall 2003, Work Order No. 30050011. (C64040815)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF GOODYEAR

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between Maricopa County and the City of Goodyear for Improvements to MC 85 from Bullard Wash to Litchfield Road, total costs which are estimated at \$3,799,000. The City will contribute \$636,725 to this project. This project will include pavement improvements, widening MC 85 to provide three westbound lanes and two eastbound lanes including curb and gutter on the north side and curbed medians at some locations. The project is partially located within the jurisdictions of Maricopa County and the City of Goodyear. The county will act as the lead agency for this project. The city is incurring all costs for the widening of the City's third westbound lane. The county will not invoice the city prior to July 1, 2005, for their share of the project. (C64040842)

REIMBURSEMENT TO SALT RIVER PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve reimbursement to Salt River Project (SRP) in the amount of \$107,572 for engineering services and construction by SRP forces for the relocation and installation of their electrical facilities in conflict on Elliot Road, 27th Avenue to 47th Avenue, part of Maricopa County Department of Transportation (McDOT) project TO38 (16215), PM10: (Ph 3) in SW Area. McDOT acknowledges that SRP has prior rights for these facilities. The cost may not exceed the estimated amount of \$107,572 by more than 10%. (C64040925) (ADM2000-006)

MARICOPA INTEGRATED HEALTH SYSTEM PERSONNEL AGENDA

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Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F). (List on file in the Clerk of the Board's Office.)

CONTRACT WITH MENTOR NATIONAL NETWORK dba REM ARIZONA, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a contract with Mentor National Network dba REM Arizona, Inc. for Behavioral Health Intermediate Level Group Home Services, effective upon Board of Supervisors approval through November 30, 2005. The proposed not-to-exceed amount is a percentage of the pool amount for all Behavioral Health Intermediate Level Group Home Services, which is \$18,301,318 (C60040881). The contract may be extended for up to a total term of five years and may be terminated with 90-days written notice by either party. (C60040901)

ACUTE CARE REVENUE CONTRACT WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to retroactively approve the following:

- a) Acute care revenue contract C60040942 (effective October 1, 2003) with the Arizona Health Care Cost Containment System (AHCCCS No. YH04-0001-04) which was awarded to Maricopa Integrated Health Systems in response to an RFP issued by AHCCCS (MIHS' response to RFP approved by Board on March 19, 2003, under Agenda Item C6003459M);
- b) Amendment No. 1 which adds a Geographic Service Area (GSA) and additional contract language;
- c) Amendment No. 2 revises and finalizes the contract capitation rates; and
- d) Amendment No. 3 adds additional language to the contract. This contract has an initial term from October 1, 2003, through September 30, 2006, with two one-year options to renew. AHCCCSA may terminate this contract with or without cause. Budgeted annual revenue is \$135,576,584. (C60040942)

ADDITION OF NEW DIAGNOSTIC RADIOLOGY CONTRACT WITH INSIGHT DIAGNOSTIC IMAGING TO THE EXISTING RADIOLOGY POOL

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the addition of a new diagnostic radiology contract with Insight Diagnostic Imaging (C60040950) to the existing Radiology Pool (C60020901ZZ). Term of the contract is November 1, 2003, through October 31, 2004, with options to renew up to three additional years. The Contract not-to-exceed amount is a percentage of the established not-to-exceed Radiology Pool of \$900,000 that was approved by the Board on May 1, 2002. This contract may be cancelled by either party with 90-days written notice. (C60040950)

RESIGNATION OF SHIRLEY LONG, FROM THE FLOOD CONTROL ADVISORY BOARD

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the resignation of Shirley Long, from the Flood Control Advisory Board, effective October 1, 2003. (ADM1902)

HEARING SET – ASSESSOR – FEE SCHEDULE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, November 5, 2003, to consider adopting the proposed fee schedule for IS and GIS data products and services to be offered by the Assessor's Office, to be effective November 20, 2003, The fee schedule permits the Assessor to change fees if the actual cost of a service or product changes and to charge actual costs for customized requests other than those specifically listed. (C1204001M) (ADM300)

HEARING SET – ENVIRONMENTAL SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to schedule public hearings, as required by ARS §49-479(b), for 9:00 a.m., Wednesday, November 19, 2003, to solicit comments on the following proposed revisions/amendments:

- i. Proposed revisions to the following Maricopa County Air Pollution Control Regulations: Rule 317, (Hospital/Medical/Infections Waste Incinerators), Rule 321 (Municipal Solid Waste Landfills), Rule 360 (New Source Performance Standards), Rule 370 (Federal Hazardous Air Pollutant Program), and Rule 371 (Acid Rain) and to request delegation of authority for the enforcement of the revisions in the rules. Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rules 317, 321, 360, 370 and 371, and to request delegation of enforcement authority. (C88040127) (ADM2354)
- ii. Proposed amendments to Rule 319, Ginning Operations, and to solicit comments on submitting the revised rule 319 as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is expected to adopt amended Rule 319 and to submit the rule as a revision to the (Arizona) State Implementation Plan. (C88040147) (ADM2351)

HEARING SET – ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to schedule hearings for 9:00 a.m., Wednesday, November 5, 2003:

Road File A165: General vicinity of Bullard Road from ¼ mile north of Jomax Road to ¼ mile north of Pinnacle Vista Drive. (C64040955)

Road File A215-R2: General vicinity of Stacey Road from 164th Street to Higley Road. (C6403128501)

HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to schedule public hearings on zoning cases.

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Z2002-166; Z2003-003; Z2003-034; Z2003-061

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meetings held August 11, 13, 18, and 25, 2003.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

SECURED TAX ROLLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

Tax Roll	From No.	To No.	Net
2000	33535	33535	-\$2,829.80
2000	33535	33535	\$1,173.84
2000	33535	33535	\$1,331.14
2000	33535	33535	\$324.76
2001	36346	36361	-\$288,448.80
2001	36362	36369	-\$9,053.24
2002	11447	11474	-\$255,032.88
2002	11475	11487	-\$226,530.56
2003	610	1716	-\$202,968.94
2003	33534	33534	\$823.02

TREASURER'S OFFICE TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office in accordance with the report on file in the Office of the Clerk of the Board of Supervisors. (ADM708)

None were presented at this time.

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Jacobs Civil Inc	AD00340501696	Expense	\$1,730.60
Chantel Burrell	230066048	General	\$480.25
David Barry	23-058270	Payroll	\$591.32

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Eduardo Ibarra 14-0022866 001 \$20.87

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Guadalupe H Montanez	Avondale Elem SD	14-0021619	\$381.79
Lily Leitermann	Littleton SD	14-0023103	\$337.96
Erika Schlimgen	Littleton SD	14-0023085	\$312.60
Audio Graphic Systems	Gila Bend SD #24	44-3864	\$994.75
LaToya Warrick	RSD #66	14-0027535	\$145.44
Sherry Cordova	RSD #66	14-0022117	\$105.56
Cassie Lozanovski	Gila Bend SD #24	44-0030209	\$1,824.00
Wal-Mart	Tolleson Elem SD	43-0104507	\$262.57
Robyn Mahoney	Buckeye Union SD	14-0013465	\$173.30
Leathers Construction	Alhambra SD	44-0027495	\$1,218.73
Dora Velasquez	Alhambra SD	14-0029536	\$542.65
Alltel	Alhambra SD	43-0129553	\$1,687.19
Childswor/Childsplay	Alhambra SD	44-0013606	\$415.47
Andrea E Rabago	E.V.I.T.	13-0164687	\$413.32
Sam's Club	Tolleson Union SD	43-135080	\$71.61

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
Robert Daniel Morales Jr.	\$70.00
Linda Freeman	\$281.48
Eloine Wood Purkey	\$75.00
Tonya S Weidner	\$539.14

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the settlement of tax cases, list dated October 8, 2003. (ADM704)

2001	TX 02-000472
TX 01-000632	TX 02-000523
2002	TX 02-000583
TX 01-000459	TX 02-000594
TX 01-000609	TX 02-000643
TX 01-000626	TX 03-000050
TX 01-000631	TX 03-000304
TX 01-000672	2003/2004
2002/2003	ST 02-000076

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TX 01-000658	ST 02-000273
TX 02-000506	ST 02-000280
2003	ST 03-000008
ST 02-000125	ST 03-000027
ST 02-000177	TX 02-000578
ST 02-000194	TX 03-000082
ST 03-000019	TX 03-000151
TX 02-000464	

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	FROM	TO
101-17-153	2001	Juan Delgado	LC/4	LC/3
101-17-153	2002	Juan Delgado	LC/4	LC/3
101-17-153	2003	Juan Delgado	LC/4	LC/3
103-18-644	2001	David Terrazas	LC/4	LC/3
103-18-644	2002	David Terrazas	LC/4	LC/3
103-18-644	2003	David Terrazas	LC/4	LC/3
112-03-006	2001	Winfield, Bertha	LC/3	LC/6
112-03-006	2002	Winfield, Bertha	LC/3	LC/6
112-03-006	2003	Winfield, Bertha	LC/3	LC/6
140-24-646A	2001	Joyce Carlisle	LC/3	LC/4
140-24-646A	2002	Joyce Carlisle	LC/3	LC/4
140-24-646A	2003	Joyce Carlisle	LC/3	LC/4
143 12-328	2001	Sharon Crowley	LC/4	LC/3
143 12-328	2002	Sharon Crowley	LC/4	LC/3
143 12-328	2003	Sharon Crowley	LC/4	LC/3
144-09-028	2001	Marianna Bailey	LC/4	LC/3
144-09-028	2002	Marianna Bailey	LC/4	LC/3
144-09-028A	2003	Marianna Bailey	LC/4	LC/3
144-69-057	2001	Kenneth Jones	LC/4	LC/3
144-69-057	2002	Kenneth Jones	LC/4	LC/3
144-69-057	2003	Kenneth Jones	LC/4	LC/3
147-04-014A	2001	Dani Roy	LC/4	LC/3
147-04-014A	2002	Dani Roy	LC/4	LC/3
147-04-014A	2003	Dani Roy	LC/4	LC/3
147-18-128	2001	Katherine Starks	LC/4	LC/3
147-18-128	2002	Katherine Starks	LC/4	LC/3
147-18-128	2003	Katherine Starks	LC/4	LC/3
148-04-296	2001	Jean Catchpole	LC/4	LC/3
148-04-296	2002	Jean Catchpole	LC/4	LC/3
148-04-296	2003	Jean Catchpole	LC/4	LC/3
148-07-480	2001	Patricia Allen	LC/4	LC/3
148-07-480	2002	Patricia Allen	LC/4	LC/3
148-07-480	2003	Patricia Allen	LC/4	LC/3

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148-22-304	2001	Linda Hall	LC/4	LC/3
148-22-304	2002	Linda Hall	LC/4	LC/3
148-22-304	2003	Linda Hall	LC/4	LC/3
151-03-058	2001	Norma R Efros	LC/4	LC/3
151-03-058	2002	Norma R Efros	LC/4	LC/3
151-03-058	2003	Norma R Efros	LC/4	LC/3
156-42-081	2001	Marsha Johnson	LC/4	LC/3
156-42-081	2002	Marsha Johnson	LC/4	LC/3
156-42-081	2003	Marsha Johnson	LC/4	LC/3
200-30-481	2001	Pia Brown	LC/4	LC/3
200-30-481	2002	Pia Brown	LC/4	LC/3
200-30-481	2003	Pia Brown	LC/4	LC/3
200-52-327	2003	Wanda Ferrell	LC/4	LC/3
215-91-038	2003	Jack Carlson	LC/4	LC/3
217-29-317	2001	Walter, Suever	LC/4	LC/3
217-29-317	2002	Walter, Suever	LC/4	LC/3
217-29-317	2003	Walter, Suever	LC/4	LC/3
306-01-715	2003	Endelman, Karen	LC/4	Mixed

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held September 22, 2003.) (ADM407)

Virgil Huerta	\$ 350.00	Destinee Lopez	\$1,700.00
Victor Ruacho	5,000.00	Ruben Rodriquez	1,379.64
William Salazar	6,689.75	Shirlene Salazar	4,620.52

WRITE-OFF

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the requested write-off of Gary Keith in the amount of \$8,901.67 as payment in full. (Discussed in Executive Session held September 22, 2003.) (ADM407)

WRITE-OFF

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the requested write-off of the Maricopa County Sheriffs Office uncollectible service of process fees in the amount of \$35,980.70 as payment in full. (Discussed in Executive Session held September 22, 2003.) (ADM407) (ADM3900)

PUBLIC COMMENT

Anthony Abril, citizen, commented on the importance of developing new business in South Phoenix neighborhoods equivalent to development in other areas of the County and other large cities in the state.(ADM605)

SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS

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Supervisor Wilcox said she would be taking part in a ceremony to commemorate a new postage stamp on "domestic violence" and she hoped the time would soon come when public awareness was such that this kind of recognition would no longer be necessary. She said that help was available to those who were in a domestic violence situation and urged them to seek available help to get out of such a situation. (ADM606)

Chairman Brock commented on information the Board had received from a criminal justice report on the successes reported on Diversity Programs and Teen Courts in ongoing efforts to reduce juvenile crime. He stressed the importance of doing everything possible to help young people in the County.

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All four Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Jill Kennedy, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

- 1. Z2002-128 District 1**
Applicant: Ed & Judy Nasser
Location: Southeast corner of Galveston St. & Power Rd. (in the southeast Gilbert/Mesa area near Williams Gateway Airport)
Request: Rezone from Rural-43 to C-2 C.U.P.D with a Plan of Development for a restaurant and retail shops - T. J. Ranch (5.16 ac.)

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2002-128, subject to the following stipulations "a" through "o". Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall be in substantial conformance with the zoning exhibit entitled, " 'T-J' RANCH REQUEST TO REZONE FROM RURAL-43 TO C-2", except as modified by the following stipulations.
- b. Development shall be in substantial conformance with the narrative report entitled "Narrative Report entitled T-J Ranch", consisting of four (4) pages and stamped received October 07, 2003, except as modified by the following stipulations.
- c. Bonding for ultimate improvements curb gutter and sidewalks. Approval is subject to a precise Plan of Development.
- d. A precise Plan of Development is required prior to development of all portions of the site indicated as "conceptual" (Pads A, B and C) and illustrated within the dashed lines and not the crossed-hatch pattern on the site plan referenced in stipulation 'a'.
- e. At the time of precise Plan of Development submittal for the next phase of site development, the applicant shall submit a Traffic Impact Study.

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- f. All off-site transportation improvements shall be to minimum County standards consistent with an approved Traffic Impact Study.
- g. Prior to construction, an Application for Approval to Construct for the water infrastructure system must be submitted to the Maricopa County Environmental Services Department for review and approval.
- h. Prior to construction, an Application for Approval to construct for the wastewater infrastructure system must be submitted to the Maricopa County Environmental Services Department for review and approval.
- i. The site is subject to a C.U.P.D. Commercial Unit Plan of Development Overlay Zone for the purpose of granting relief from perimeter buffer wall requirements.
- j. Building permits, including drainage clearance, are required for all structures on site including "as built" permits for existing structures. If permits are not obtained for the existing structures within one year of rezone approval by the Board of Supervisors, the case will be revisited by the Planning and Zoning Commission for consideration of reversion of the zoning to Rural-43.
- k. All outdoor lighting shall conform to section 1112 of the Maricopa County Zoning Ordinance.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to zoning clearance, the applicant will provide a "will serve" letter from the applicable fire department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. Prior to issuance of a drainage clearance, a Floodplain Use Permit must be obtained from the Regulatory Division of the Maricopa County Flood Control District. Prior to issuance of the Floodplain Use Permit, the owner shall be responsible for submitting a drainage report delineating the 100-year floodplains.
- o. There shall be no outdoor storage of inventory of product display areas on the site.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried to concur with the Planning Commission's recommendation for approval, subject to stipulations "a" through "o."

- 2. Z2003-065 District 3**
Applicant: David Cardenas of Bollinger & Cardenas Architects for David Church of The Focus Group
Location: North side of Anthem Way, approx. ¼-mile east of I-17 (in the Anthem area)
Request: Plan of Development for a child day-care facility in the C-2 C.U.P.D. zoning district - Tutor Time at Anthem (2.06 ac.)

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COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2003-065, subject to the following stipulations "a" through "l". Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the site plan and landscape plan entitled "TUTOR TIME CHILD CARE", consisting of five (5) sheets, stamped received August 6, 2003, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "PROJECT NARRATIVE TUTOR TIME ANTHEM - ANTHEM, ARIZONA AUGUST 5, 2003", consisting of three (3) pages, dated August 5, 2003 and stamped received August 6, 2003, except as modified by the following stipulations.
- c. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- d. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- e. Prior to issuing a Certificate of Occupancy for any building within the development, the Planning and Development Department will inspect the site to verify:
 - I. Compliance with all approved plans.
 - II. Acceptance by all appropriate Maricopa County departments.
 - III. Compliance with all stipulations and/or conditions attached to this development.
- f. All trees shall be double-staked when installed.
- g. A continuous parapet shall screen all roof-mounted equipment.
- h. Major changes to this C.U.P.D. site plan (the site plan and narrative report) shall be process as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- i. Noncompliance with the plan of development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- j. Plans for the automatic fire sprinklers and the fire alarm will need to be submitted for review by the Daisy Mountain Fire Department.
- k. Water supply shall be in place prior to the start of building construction as per the requirements of the Daisy Mountain Fire Department.

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- I. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "I."

REGULAR AGENDA DETAIL:

3. **Z2003-033 District 3**
Applicant: Earl, Curley & Lagarde, P.C. for Chauncey Family Limited Partnership and Schumacher European Ltd.
Location: Northwest corner of Scottsdale Rd. & Chauncey Ln. (in the northeast Phoenix/Scottsdale area)
Request: Plan of Development for an automobile dealership in the C-2 C.U.P.D. zoning district - Schumacher European Ltd. (8.9 acres)

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2003-033, subject to the following stipulations "a" through "j". Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

- a. Except for signage, development and use of the site shall be in substantial conformance with the site plan entitled "New Dealership Sales and Service Facilities for Schumacher European, LTD", consisting of 13 full-size sheets, dated revised August 22, 2003, and stamped received September 3, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Narrative Report for Schumacher European Mercedes-Benz Dealership at Chauncey Ranch", consisting of 19 pages plus attachments, dated revised July 2, 2003 and stamped received July 3, 2003, except as modified by the following stipulations.
- c. Prior to zoning clearance, a sign package shall be submitted. Signage on the property shall meet the sign standards as set forth in the C-2 zoning district except that the freestanding monument sign located along Scottsdale Road shall be limited to 20 feet in height as measured from the adjacent walking surface to the top of the sign.
- d. The following Flood Control District stipulations shall apply:
 - i. A Flood Plain Use Permit must be obtained prior to construction.
 - ii. After zoning approval but prior to construction, a Drainage Clearance and Building Permit must be obtained. Any drywells proposed for the site must be shown on the drainage clearance plan submittal and proof of drywell registration with the Arizona Department of Environmental Quality shall be submitted prior to permit issuance.
- e. No loading or unloading of vehicles shall occur within the Scottsdale Road right-of-way.

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- f. Landscape plantings within the Scottsdale Road frontage shall be limited to native and near-native drought-tolerant species consistent with the approved Concept Plan of Development and C.U.P.D. zoning overlay for Chauncey as per case Z2000063.
- g. The height of the perimeter lighting standards associated with the top deck of the parking structure at final build-out (Phase IV) shall not exceed the height of the surrounding parapet wall. All other lighting standards on the top deck of Phase IV shall not be visible from Scottsdale Road.
- h. Development of the site shall remain in compliance with all applicable stipulations of Z200006.
- i. Major changes to this precise plan (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Parking shall comply with the Maricopa County Zoning Ordinance, unless a Variance is granted by the Board of Adjustment.

Joy Rich outlined the Planning Commission's action approving this auto dealership's Plan of Development and said that it had also been approved by the City of Phoenix, who is slowly annexing portions of Chauncey Ranch lands.

Chairman Brock said he had received a letter from the client's attorney, Earl, Curley and Legarde, and it was to go into the permanent record of this case.

Supervisor Kunasek reported that this project is part of a much larger project initiated by the owners of Chauncey Ranch several years ago. He stated that it was a good example of the city and county working together to rezone a county island. He suggested that it might be used as a model for future county island dealings as it had been a successful effort between two governments and the private sector that had turned out to be a smooth transition and positive experience.

Chairman Brock added that he rarely made personal comments but when he saw the design for this project he had felt that it would turn out to be outstanding, and it said that it had. He congratulated all who had input into creating it and said he believed that it takes concept and design of automobile complexes to a very different and positive level. He urged interested citizens to visit it.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval, subject to stipulations "a" through "j."

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|-----------|-------------------|--|
| 4. | Z2003-038 | District 1 |
| | Applicant: | Jim Idsardi |
| | Location: | South of the southeast corner of Baseline Rd. & Recker Rd. (in the Gilbert area) |
| | Request: | Rezone from Rural-43 to C-2 - Recker Road Mini-storage and Pro-Shop (4.8 ac.) |

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COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2003-038, subject to the following stipulations "a" through "d". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. C-2 P.D. zoning shall be applied to the area depicted on the Z2003038 case map.
- b. The site shall be subject to a Plan of Development (P.D.) Overlay Zone, and a precise plan and narrative report is required prior to development.
- c. Prior to zoning clearance, the applicant shall dedicate for an ultimate half-width along Recker Road.
- d. If a Building Permit has not been obtained within three years, the Commission may consider revisiting the case for reversion to Rural-43 zoning.

Joy Rich said she would present the next two items together, Z2003-038 and Z2003-039, for a rezoning and Special Use Permit application. These requests were referred to the Town of Gilbert for comment (it was noted that it does not conform to their General Plan). No formal response has been received from the town. (Gilbert officials reportedly would prefer a shopping center in this location although their General Plan designates it as residential). The Planning Commission and staff both recommend approval of these two cases, feeling that the design and use is appropriate.

Motion was made by Supervisor Kunasek and seconded by Supervisor Wilson to concur with the Planning Commission's recommendation for approval of Z2003-038. Chairman Brock called for anyone who wished to speak to this matter to come forward.

Debbie Hartin, citizen, spoke in opposition to the project saying that her home address is in Higley but is surrounded by Gilbert, and while it was nice to seek the Town of Gilbert's input no one had asked her what she thought of the proposed changes. She presented a petition signed by 14 residents who also live nearby and are opposed to the change. She said the area is rural and residential and the property owners don't want commercial activities moving in to destroy the ambiance they sought when purchasing their homes, which at the time were surrounded by orange groves and cotton fields. She added that Recker Road is a two-lane road that would not be appropriate for business traffic.

Jim Idsardi, applicant, was asked by Supervisor Wilcox if he had tried to make contact with residents and meet with them. He responded that he owned two 2.5-acre adjoining parcels and a posting notice had been placed on each parcel since May 4th. He said he understood that all the hearings had been posted and notification letters sent to those living within the boundaries. He reported that he'd tried to contact Gilbert officials prior to purchasing the property but they had informed his attorney that "the town is really busy right now and we don't have time to worry about that area." He subsequently bought the property and had gotten approval for utilities from the City of Mesa. He explained that he had done everything he was asked to do. He added, "This is the first opposition I've been aware of."

Supervisor Kunasek asked Ms. Rich if a public participation plan had been approved and she replied affirmatively and reported that notification had been given to residents within 300 ft. as designated by statute.

Both Supervisors Brock and Kunasek expressed understanding of the residents' displeasure at the growth and change that was encroaching on their neighborhood, say that they had memories of the area from 20 years ago when it was "very rural" and that they had also experienced sorrow as they watched old hunting grounds change over the years. They explained that change happens quickly in an area growing as fast as

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Maricopa County and it is up to the Board to help monitor the change and keep it as positive as possible for as many as possible.

The motion for approval carried unanimously (4-0-1).

- 5. Z2003-039 District 1**
Applicant: Jim Idsardi
Location: South of the southeast corner of Baseline Rd. & Recker Rd. (in the Gilbert area)
Request: Special Use Permit (S.U.P.) for a mini-storage facility within the C-2 P.D. zoning district - Recker Road Mini-storage and Pro-Shop (4.8 ac.)

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2003-039, subject to the following stipulations "a" through "p". Commissioner Jones seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial compliance with the site plan entitled "Recker Road Self-Storage & Pro Shop Auto for Jim & Luisana Idsardi", consisting of four (4) full-size sheets, dated April 15, 2003 and stamped received April 21, 2003 except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial compliance with the narrative report entitled "Recker Road Self-Storage & Service Center", consisting of eight (8) pages, dated April 15, 2003 and stamped received April 21, 2003 except as modified by the following stipulations.
- c. Dedication of additional right-of-way to bring the total half-width dedication to 65' for Recker Road shall occur prior to zoning clearance. Alternately, the applicant may provide dedication for a 55' half-width should the Town of Gilbert waive, in writing, interest in the additional dedication width.
- d. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) ultimate for Recker Road.
- e. All landscaping in County right-of-way must comply with Chapter 9 of the MCDOT Roadway Design Manual.
- f. Prior to the issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency and shall provide written confirmation that the site will be developed in accordance with their requirements. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- g. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- h. All trees shall be double-staked when installed.

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- i. The freestanding sign area shall be limited to 140-sq. ft. or less face area.
- j. The proposed drywell shall be permitted prior to the issuance of permits.
- k. Development of this site shall comply with the applicable chapters and sections of the Maricopa County Zoning Ordinance.
- l. A continuous parapet shall screen all roof-mounted equipment.
- m. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first.
- n. Major changes to this Plan of Development (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- o. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- p. Prior to zoning clearance, the applicant shall provide evidence of a utility agreement with the City of Mesa for the provision of sewer service.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission to approve this Special Use Permit subject to stipulations "a" through "p."

- 6. Z2003-062 District 3**
Applicant: Biskind, Hunt & Taylor for Bellisina Ranch, L.L.C.
Location: At a dead-end of 53rd St., north of Dynamite Blvd. (in the north Phoenix area)
Request: Major amendment to a previously approved Special Use Permit (S.U.P.), Z2003062, for a horse riding and boarding stable in the Rural-43 zoning district – to allow for an expansion in the S.U.P. area – Bellissima Ranch (f.k.a. Ashley Dorrance Riding and Boarding Stable) (25 ac.)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2003-062, subject to the following stipulations "a" through "s". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site, concerning this particular request, shall be in substantial conformance with the site plan entitled "Bellissima Ranch", consisting of one (1) full-size sheet, dated August 6, 2003, and stamped received August 12, 2003, except as modified by the following stipulations.
- b. Development and use of the overall site shall in substantial conformance with the narrative reports entitled "Ashley Dorrance Riding and Boarding Stable", consisting of six (6) pages, dated revised January 14, 1999, and stamped received February 3, 1999, and "Bellissima Ranch, Addendum to Narrative Report", consisting of four (4) pages dated

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August 8, 2003, and stamped received August 12, 2003. When in conflict, the site shall comply with the "Ashley Dorrance Riding and Boarding Stable, Addendum to Narrative Report". The narrative reports are modified by the following stipulations.

- c. All on-site drives and parking spaces shall meet PM-10 requirements for dust control as acceptable to the Air Quality Division of the Environmental Services Department.
- d. In no instance shall manure be placed, rolled or kept in the arenas.
- e. Manure shall be kept in an enclosed container and removed from the site at least once a week.
- f. Strict adherence to Chapter XI of the Maricopa County Environmental Health Code shall be required.
- g. The existing Special Use Permit, as now amended, shall expire August 23, 2020.
- h. The applicant shall submit a written report outlining the status of the development at the end of five years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the special use remains in compliance with these stipulations. The report shall address dust control measures taken on site.
- i. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Non-compliance with the plan of development (the site plan and narrative reports) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- k. Non compliance with the regulations administered by Maricopa County Environmental Services Department, Maricopa County Department of Transportation and the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- l. The owner or his representative is required to obtain a Building Permit and a Floodplain Use Permit prior to occupancy of the barn and/or mobile home. Alternatively, said home can be removed from the property in lieu of obtaining a Floodplain Use Permit.
- m. All outdoor lighting shall comply with Article 1112 of the Maricopa County Zoning Ordinance. No light trespass will be allowed onto adjacent properties. Minimal outdoor lighting will be utilized after 9:00 p.m.
- n. A maximum of 56 horses may be kept on the property at any given time, both boarded and personal.
- o. Barns shall be equipped with fly deterrent systems to minimize fly populations.

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- p. All vehicular traffic to and from Bellissima Ranch shall be limited to 53rd Street southward to Dymanite Boulevard.
- q. Pedestrian and vehicular access shall be prohibited from the west side of the property.
- r. A gate shall be provided on 53rd Street at the south entrance to the site in order to mitigate through-traffic from the general public. Access across the site shall continue to be allowed for private properties to the north.
- s. The property owner agrees to give up all interest in the access easement depicted as Tract 'L' on the Replat of Parcel 31B – Tatum Ranch (Maricopa County Recordation No. 98-0381777) adjacent to the western property line, so that said easements may be abandoned; provided, however, that such abandonment is conditioned upon (1) the removal by the Tatum Ranch Community Association of the existing driveway improvements over the access easement, and (2) construction by the Tatum Ranch Community Association of any and all drainage improvements necessary to convey drainage flows along the eastern property line of Tatum Ranch so as to avoid the creation of any adverse drainage impact to the subject property.

Joy Rich reported that there had been no complaints to the original Special Use Permit for a horse-boarding facility that had been approved five years ago. The applicant is now requesting a major expansion to extend this to an adjoining 5 acres to the west of the original site. Some residents living to the north have asked for an easement through the existing portion of the property. The Planning Commission did not feel this request was relevant to the expansion request and county counsel had agreed.

Jill Kusy, representing the applicant, indicated that this had become moot, as the request from the neighbor was no longer active.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission approving the expansion requested in this amendment to the original Special Use Permit subject to stipulations "a" through "s."

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Norma Risch, Deputy Clerk of the Board